

107TH CONGRESS  
1ST SESSION

# H. R. 1494

To save taxpayers money, reduce the deficit, cut corporate welfare, protect communities from wildfires, and protect and restore America's natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands, restoring native biodiversity in our Federal public forests, and facilitating the economic recovery and diversification of communities affected by the Federal logging program.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Ms. MCKINNEY (for herself, Mr. LEACH, Mr. DELAHUNT, Mr. OLVER, Mrs. LOWEY, Mr. SAWYER, Mr. BLAGOJEVICH, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LEWIS of Georgia, Mr. WEXLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. WEINER, Mr. PALLONE, Mrs. MEEK of Florida, Mr. BONIOR, Mr. LANTOS, Ms. PELOSI, Mr. FATTAH, Mr. SCOTT, Mr. OWENS, Mr. CLAY, Mr. STARK, Ms. RIVERS, Ms. MCCARTHY of Missouri, Mr. HOLT, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. WAXMAN, Mr. SHERMAN, Mr. NADLER, Mr. MORAN of Virginia, Ms. BALDWIN, Mr. MARKEY, Mr. McDERMOTT, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. PASCRELL, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. HOEFFEL, Mr. THOMPSON of Mississippi, Mr. WYNN, Ms. NORTON, Mr. EVANS, Mr. BORSKI, Mr. HASTINGS of Florida, Mr. ROTHMAN, Mr. TIERNEY, Mr. CAPUANO, Mr. KUCINICH, Mr. MCGOVERN, Ms. DELAURO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. SIMMONS, Mr. CONYERS, Ms. SOLIS, Ms. LEE, Mr. HINCHEY, Ms. SLAUGHTER, Ms. CARSON of Indiana, Ms. SANCHEZ, Mr. TOWNS, Ms. BERKLEY, Mr. KLECZKA, Mrs. DAVIS of California, and Mr. BECERRA) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

(a) SHORT TITLE.—This Act may be cited as the  
“National Forest Protection and Restoration Act of  
2001”.

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Prohibition on timber sales to protect Federal public lands.
- Sec. 5. Effect of prohibition on existing timber sale contracts.
- Sec. 6. Authorization of appropriations.
- Sec. 7. Natural heritage restoration.
- Sec. 8. Worker retraining.
- Sec. 9. Allocation of funds.
- Sec. 10. Continuation of payments for States and counties containing Federal public lands under Public Law 106–393.
- Sec. 11. Enforcement by citizens.

(1) AGENCIES.—The term “agencies” means the Forest Service, the National Park Service, the

Bureau of Land Management, and the United States Fish and Wildlife Service.

(2) COMMERCIAL LOGGING.—

(A) IN GENERAL.—The term “commercial logging” means—

(i) the sale of timber;

(ii) the execution of a timber sale; or

(iii) any other transfer of timber or biomass to an individual, company, corporation, or other entity, which then offers the transferred timber or biomass, or any product produced from that timber or biomass, for sale or uses the transferred timber or biomass for other commercial purposes.

(B) INCLUSIONS.—The term “commercial logging” includes a sale, execution, or other transfer specified in subparagraph (A) regardless of—

(i) the stated reason for the sale, execution, or transfer; or

(ii) whether the timber is standing, fallen, living, or dead.

(3) FEDERAL PUBLIC LANDS.—The term “Federal public lands” means—

1 (A) all lands in the United States included  
2 in the National Forest System;

3 (B) all lands in the United States included  
4 in the National Wildlife Refuge System;

5 (C) all lands in the United States included  
6 in the National Park System; and

7 (D) all lands under the jurisdiction of the  
8 Bureau of Land Management.

9 (4) NATIVE BIODIVERSITY.—

10 (A) IN GENERAL.—The term “native bio-  
11 diversity” means—

12 (i) the full range of variety and varia-  
13 bility within and among living organisms;  
14 and

15 (ii) the ecological complexes in which  
16 the living organisms would have occurred  
17 in the absence of significant human im-  
18 pact.

19 (B) INCLUSIONS.—The term “native bio-  
20 diversity” includes diversity—

21 (i) within a species (including genetic  
22 diversity, species diversity, and age diver-  
23 sity);

24 (ii) within a community of species;

25 (iii) between communities of species;

1 (iv) within a total area, such as a wa-  
2 tershed;

3 (v) along a vertical plane from ground  
4 to sky, including application of the plane  
5 to all the other types of diversity; and

6 (vi) along the horizontal plane of the  
7 earth-surface, including application of the  
8 plane to all the other types of diversity.

9 (C) EXCLUSIONS.—The term “native bio-  
10 diversity” excludes genetically modified or engi-  
11 neered organisms.

12 (5) OLD GROWTH FOREST.—The term “old  
13 growth forest” refers to any stand of forest within  
14 the boundaries of a timber sale that may contain  
15 trees that exceed 150 years in age.

16 (6) ROADLESS AREA.—The term “roadless  
17 area” means each of the following:

18 (A) Any inventoried roadless area.

19 (B) Any area of at least 1,000 contiguous  
20 acres meeting Forest Service road density  
21 guidelines.

22 (C) Any area of less than 1,000 contiguous  
23 acres meeting Forest Service road density  
24 guidelines, if the area is adjacent to a unit of  
25 the National Wilderness Preservation System, a

unit of the National Park System, an inventories roadless area, or a designated Wilderness Study Area.

(7) TIMBER SALE.—

(A) IN GENERAL.—The term “timber sale” means—

(i) the sale of timber;

(ii) the offering of timber for sale or consideration; or

(iii) any other transfer of timber or biomass to an individual, company, corporation, or other entity, which then offers the transferred timber or biomass, or any product produced from that timber or biomass, for sale or uses the transferred timber or biomass for other commercial purposes.

(B) INCLUSIONS.—The term “timber sale” includes a sale, offer, or other transfer specified in subparagraph (A) regardless of—

(i) the stated reason for the sale, offer, or transfer; or

(ii) whether the timber is standing, fallen, living, or dead.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) Polls conducted by the Forest Service show  
4 that a strong majority of the American people think  
5 that natural resources on Federal public lands  
6 should not be made available to produce consumer  
7 goods.

8 (2) The 1995 Forest Service draft report enti-  
9 tled “Forest Service Program for Forest and Range-  
10 land Resources: A Long-Term Strategic Plan” shows  
11 that recreation and tourism in the National Forest  
12 System creates over 30 times more jobs, and gen-  
13 erates over 30 times more income, than commercial  
14 logging on national forests.

15 (3) According to Forest Service figures, timber  
16 cut from Federal public lands comprises less than  
17 five percent of the annual timber consumption of the  
18 United States.

19 (4) The vast majority of America’s original  
20 pristine forests have been logged, and what little pri-  
21 mary forest that remains exists almost entirely on  
22 public lands.

23 (5) The ecological crisis resulting from this se-  
24 vere habitat loss and fragmentation of American for-  
25 ests requires bold action to protect this Nation’s  
26 natural heritage so that pristine forests may remain

1       pristine, and damaged forests may have an oppor-  
2       tunity to recover.

3           (6) It is in the interests of the American people  
4       and the international community to protect and re-  
5       store native biodiversity in our Federal public lands  
6       for its inherent benefits, the resulting economic ben-  
7       efits, and for the protection of this natural heritage  
8       for current and future generations.

9           (7) The 1995 report of the Comptroller General  
10       regarding distribution of Forest Service timber sales  
11       receipts (GAO/RCED-95-237FS) and the 1998 fol-  
12       low-up report (GAO/RCED-99-24) reveal that, of  
13       the hundreds of millions of dollars of taxpayer  
14       money that is annually expended on the Forest Serv-  
15       ice timber sales program, only a small fraction finds  
16       its way back to the Federal Treasury, resulting in  
17       an enormous net loss to taxpayers.

18          (8) Forests absorb rainfall, retard stream run-  
19       off, reduce floods, increase slope stability, and retain  
20       topsoil, and retard soil erosion and siltation in  
21       streams, irrigation ditches, and reservoirs.

22          (9) Commercial logging has many indirect costs  
23       which are very significant, but not easily measured,  
24       such as flooding damage and relief of flooding dam-  
25       age through Federal funds, damage to the salmon



1 fishing industry; and harm to the recreation and  
2 tourism industries.

3 (10) A congressionally commissioned scientific  
4 study of the Sierra Nevada forests found that more  
5 than any other human activity, commercial logging  
6 has increased the risk and severity of fires by remov-  
7 ing the cooling shade of trees and leaving flammable  
8 debris (see Sierra Nevada Ecosystem Project Final  
9 Report to Congress, Vol. 1, Assessment Summaries  
10 and Management Strategies, 1996).

11 (11) Forest Service studies have confirmed the  
12 finding that logging, including both thinning and  
13 clearcutting, increases fire severity (United States  
14 Forest Service, Historical and Current Forest Land-  
15 scapes in Eastern Oregon and Washington, Part II:  
16 Linking Vegetation Characteristics to Potential Fire  
17 Behavior and Related Smoke Production, PNW-  
18 GTR-355, p. 22 (1995); United States Forest Serv-  
19 ice, Integrated Scientific Assessment for Ecosystem  
20 Management in Interior Columbia Basin, PNW-  
21 GTR-382, p. 61 (1996)).

22 (12) The Forest Service's chief fire specialist  
23 has stated that the material that needs to be re-  
24 duced to prevent unnaturally severe forest fires is  
25 underbrush that is less than two or three inches in

1 diameter, not mature trees (Washington Journal, C-  
2 SPAN, Aug. 10, 2000).

3 (13) The Forest Service's own fire research sta-  
4 tion found that the only effective way to protect  
5 homes in the urban/wildland interface from forest  
6 fires is to reduce the flammability of the home itself  
7 and its immediate surroundings within 40 meters,  
8 not engage in logging activities on Federal public  
9 lands (Jack Cohen, Reducing the Wildland Fire  
10 Threat to Homes: where and how much?, United  
11 States Forest Service, Fire Sciences Laboratory,  
12 Rocky Mountain Research Station, Missoula, Mon-  
13 tana, report presented at the Fire Economics, Policy  
14 and Planning: Bottom Line Symposium, April 5–9,  
15 1999, San Diego, California).

16 (14) It is in the interests of the American peo-  
17 ple to protect watersheds on Federal public lands in  
18 order to prevent potentially damaging and deadly  
19 floods.

20 **SEC. 4. PROHIBITION ON TIMBER SALES TO PROTECT FED-**  
21 **ERAL PUBLIC LANDS.**

22 (a) PROHIBITION ON NEW TIMBER SALES.—Not-  
23 withstanding any other provision of law, effective as of the  
24 date of the enactment of this Act, no timber sales shall  
25 be prepared, advertised, offered, or awarded on Federal

1 public lands and, except as provided in section 5, no com-  
2 mercial logging shall occur on Federal public lands.

3 (b) EXCEPTIONS.—The use of forest materials for  
4 noncommercial use, including personal-use permits under  
5 the personal use component of the forest management pro-  
6 gram of the Forest Service or an equivalent program of  
7 the Bureau of Land Management, the National Park Serv-  
8 ice, or the United States Fish and Wildlife Service, to the  
9 extent allowed under existing law, is not prohibited by sub-  
10 section (a), but any such use of forest materials for non-  
11 commercial use must be consistent with section 7, includ-  
12 ing subsection (k) of such section.

13 (c) NATIVE AMERICAN TRIBES.—Nothing contained  
14 in this Act shall be construed to modify, amend, or breach  
15 any treaty in existence on the date of enactment of this  
16 Act with any Native American tribe.

17 **SEC. 5. EFFECT OF PROHIBITION ON EXISTING TIMBER**  
18 **SALE CONTRACTS.**

19 (a) REMAINING SALVAGE RIDER SALES.—Notwith-  
20 standing any outstanding judicial order or administrative  
21 proceeding interpreting section 2001 of Public Law 104–  
22 19 (109 Stat. 240; 16 U.S.C. 1611 note), the Secretary  
23 of Agriculture and the Secretary of the Interior shall im-  
24 mediately suspend each timber sale or activity that was

1 being undertaken in whole or in part under the authority  
2 provided in such section.

3 (b) ROADLESS AREAS AND OLD GROWTH FOR-  
4 ESTS.—Notwithstanding any other provision of law, the  
5 Secretary of Agriculture and the Secretary of the Interior  
6 shall immediately suspend each timber sale in any roadless  
7 area or old growth forest on Federal public lands.

8 (c) PHASE-OUT PERIOD AUTHORIZED.—There shall  
9 be a 2-year period to phase out those timber sale contracts  
10 in existence as of the date of the enactment of this Act.  
11 The phase-out period shall begin on the date of the enact-  
12 ment of this Act. Any remaining timber sales on Federal  
13 public lands shall be automatically suspended upon the ex-  
14 piration of the phase-out period. Notwithstanding any  
15 other provision of law, no commercial logging shall occur  
16 anywhere on Federal public lands after the end of the  
17 phase-out period.

18 (d) EARLY TERMINATION.—For all timber sales sus-  
19 pended under subsection (a), subsection (b), and sub-  
20 section (c) of this subsection, the Secretary concerned  
21 shall—

22 (1) exercise any provision of the original con-  
23 tract that authorizes termination and payment of  
24 specified damages; or

1           (2) terminate the contract to avoid adverse ef-  
2       fects on the environment or natural resources.

3       (e) PAYMENT FOR TIMBER SALE CONTRACTS RELIN-  
4       QUISHED.—Any claim, whether as a result of a judgment  
5       or an agreement against the Federal Government, arising  
6       from termination of any timber sale contract under sub-  
7       section (d) of this subsection, may be—

8           (1) paid from funds made available under sec-  
9       tion 1304 of title 31, United States Code, and shall  
10      not require reimbursement under section 13(c) of  
11      the Contract Disputes Act of 1978 (41 U.S.C.  
12      612(c));

13          (2) offset by forgiveness of a Federal Govern-  
14      ment loan or loan guarantee;

15          (3) paid through funds appropriated for the  
16      purpose; or

17          (4) paid through the transfer of funds from  
18      Forest Service or Bureau of Land Management ac-  
19      counts for forest management, road construction, or  
20      general administration for such purposes.

21      (f) DISPUTES.—Any claim by a purchaser against the  
22      Federal Government relating to a contract terminated  
23      under this section shall be subject to the Contract Dis-  
24      putes Act of 1978 (41 U.S.C. 601 et seq.).

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) CALCULATION OF TAXPAYER LOSSES FROM LOG-  
3 GING.—The Secretary of Agriculture, in consultation with  
4 the Secretary of the Interior, shall determine the average  
5 amount of Federal funds appropriated annually from the  
6 General Fund of the Treasury over the five fiscal years  
7 immediately preceding the date of the enactment of this  
8 Act for commercial logging and commercial logging-re-  
9 lated activities on Federal public lands. In making this  
10 determination, the Secretary shall include amounts ex-  
11 pended for the following, using estimates when necessary:

12 (1) Timber sales management.

13 (2) Forest-land vegetation management.

14 (3) Land management planning, inventory, and  
15 monitoring related to commercial logging.

16 (4) Research related to commercial logging.

17 (5) The portion of the forest roads and road  
18 maintenance program related to commercial logging.

19 (6) General administration expenses related to  
20 commercial logging.

21 (7) Landline location related to commercial log-  
22 ging.

23 (8) Law enforcement related to commercial log-  
24 ging.

25 (9) The portion of the forest fire fighting and  
26 prevention program related to commercial logging.

1           (10) The portion of any other activities related  
2           to commercial logging.

3           (b) AUTHORIZATION.—There are authorized to be ap-  
4           propriated such sums as may be necessary to carry out  
5           this Act in the fiscal years beginning after the date of the  
6           enactment of this Act, but not to exceed for any fiscal  
7           year two-thirds of the amount calculated in subsection (a)  
8           as the taxpayer losses from logging.

9           (c) ADMINISTRATIVE EXPENSES.—Not more than  
10          ten percent of the funds appropriated or allocated to carry  
11          out sections 7 and 8 may be reserved for the administra-  
12          tion of activities authorized under those sections.

13       **SEC. 7. NATURAL HERITAGE RESTORATION.**

14          (a) GENERAL REQUIREMENT.—Notwithstanding any  
15          other provision of law, agency projects or programs to re-  
16          store biological diversity and ecological processes on Fed-  
17          eral public lands shall be carried out in a manner con-  
18          sistent with this section and shall be integrated into the  
19          program established by this section.

20          (b) PURPOSES, FINDINGS, AND BASIC MANAGEMENT  
21          REQUIREMENTS.—(1) The purpose of this section is to  
22          protect and restore the natural heritage of the Federal  
23          public lands through the restoration of native biodiversity  
24          and natural ecological complexes and processes. In most  
25          circumstances, natural processes will heal damaged areas

1 without assistance, but, in many circumstances, where ex-  
2 tensive damage from logging and road-building is evident,  
3 it is necessary to take immediate action to stop soil erosion  
4 and pervasive resource damage. The primary emphasis of  
5 this section is to change circumstances that effectively act  
6 as barriers to natural restoration processes. This section  
7 does not envision the broad application of largely experi-  
8 mental techniques or tactics for which there is no solid  
9 scientific support or concrete evidence of effectiveness.

10 (2) It is also the purpose of this section to provide  
11 guidance and limitations for the protection and restoration  
12 of native biological diversity. The inherent guiding prin-  
13 ciple or basic approach that managers shall use to imple-  
14 ment the ecological restoration provisions of this section  
15 is to “do no harm” to ecosystems when implementing ac-  
16 tive management projects and programs.

17 (3) Scientific uncertainty about complex ecosystems  
18 requires a precautionary approach to active management.  
19 Therefore, proposed projects that are intended to restore  
20 ecological processes must have short- and long-term bene-  
21 fits that significantly outweigh any short- or long-term  
22 risks.

23 (4) In most cases ecosystems are inherently resilient  
24 if left to function without interference from man, but in  
25 some cases action is necessary to stop immediate resource



1 damage. Therefore, ecological restoration projects shall  
2 emphasize the removal of barriers that prevent ecosystems  
3 from restoring themselves. Some examples of such barriers  
4 are roads, erosion, landslides, nonnative invasive species,  
5 fire suppression, certain types of hazardous fuels, dams  
6 or man-made barriers in streams, and other significant  
7 man-made damage and developments that interfere with  
8 natural ecological processes.

9       (5) In other cases ecosystems require the reintroduc-  
10 tion of native species that once contributed to natural eco-  
11 logical processes. Therefore, each ecological restoration  
12 project shall include an evaluation of which native species  
13 may be missing from the ecosystem and shall ensure the  
14 presence of adequate habitat and forage or prey for the  
15 native species, to be followed by a scheduled reintroduction  
16 of the native species in coordination with State natural  
17 heritage and wildlife agencies and the United States Fish  
18 and Wildlife Service.

19       (c) NATURAL HERITAGE RESTORATION CORPS.—

20           (1) ESTABLISHMENT.—The Secretary of the In-  
21 terior and the Secretary of Agriculture shall each es-  
22 tablish a special unit (to be known as the “Natural  
23 Heritage Restoration Corps”) for the purposes of—

24           (A) conducting ecological restoration of na-  
25 tive biodiversity in areas of Federal public lands

1           where the integrity of natural ecosystems has  
2           been degraded;

3                 (B) assisting in the monitoring of forest  
4           resources, including effectiveness monitoring of  
5           ecological restoration projects; and

6                 (C) in cooperation with each agency's law  
7           enforcement programs, monitoring and pro-  
8           tecting public resources from various illegal ac-  
9           tivities, including timber theft and poaching.

10           (2) USE OF PERSONNEL FROM EXISTING PRO-  
11           GRAMS.—The Natural Heritage Restoration Corps  
12           may be created using personnel in existing programs  
13           in the agencies.

14           (3) OTHER PERSONNEL AND EQUIPMENT.—In  
15           addition to the personnel selected under paragraph  
16           (2), the Natural Heritage Restoration Corps may  
17           hire other personnel, which may include private con-  
18           tractors, and purchase or lease the necessary equip-  
19           ment to implement the Natural Heritage Restoration  
20           Plans to achieve the goals and objectives as set forth  
21           by the Secretary of Agriculture and the Secretary of  
22           the Interior under this section. There shall be a hir-  
23           ing preference for dislocated workers who have been  
24           terminated or laid off, or have received a notice of

1 termination or lay off, as a consequence of the en-  
2 actment of this Act.

3 (4) TRAINING.—Personnel of the Natural Her-  
4 itage Restoration Corps shall be properly trained so  
5 that they are able to carry out the activities specified  
6 in paragraph (1) consistent with this section.

7 (d) NATURAL HERITAGE RESTORATION PLAN-  
8 NING.—

9 (1) NATIONAL FOREST SYSTEM LANDS.—For  
10 lands in the National Forest System, the Secretary  
11 of Agriculture shall develop Natural Heritage Res-  
12 toration Plans at the regional level to carry out an  
13 ecological restoration program in each region con-  
14 sistent with this section and incorporating the stand-  
15 ards, guidelines, and procedures developed in sub-  
16 section (e). Such Plans shall be completed no later  
17 than 18 months after the date of enactment of this  
18 Act and shall be revised at least every 10 years.

19 (2) BLM, NATIONAL WILDLIFE REFUGE, AND  
20 NATIONAL PARK LANDS.—For lands under the juris-  
21 diction of the Bureau of Land Management, and, as  
22 necessary for National Wildlife Refuges and units of  
23 the National Park System, the Secretary of the Inte-  
24 rior shall develop Natural Heritage Restoration  
25 Plans at the regional level to carry out an ecological

1 restoration program in each region consistent with  
2 this section and incorporating the standards, guide-  
3 lines, and procedures developed in subsection (e).  
4 Such Plans shall be completed no later than 18  
5 months after the date of enactment of this Act and  
6 shall be revised at least every 10 years.

7 (3) MONITORING.—The Secretary of the Inte-  
8 rior and the Secretary of Agriculture shall include in  
9 the Natural Heritage Restoration Plans—

10 (A) monitoring provisions to ensure the ef-  
11 fectiveness of each ecological restoration  
12 project; and

13 (B) provisions to gauge each Plan’s  
14 progress in achieving any restoration goals and  
15 objectives that are developed in accordance with  
16 subsection (g).

17 (4) FOLLOW-UP EVALUATIONS AND CORREC-  
18 TIONS.—The Secretary of Interior and the Secretary  
19 of Agriculture shall provide for appropriate follow-up  
20 evaluations and actions to ensure the long-term suc-  
21 cess of ecological restoration projects. The failure of  
22 any restoration project shall be evaluated and re-  
23 ported to the appropriate Secretary, who shall take  
24 prompt action to provide new solutions to correct the  
25 failed restoration projects.

1 (e) DEVELOPING STANDARDS, GUIDELINES, AND  
2 PROCEDURES FOR RESTORATION.—

3 (1) RESPONSIBILITIES OF THE SECRETARIES.—

4 (A) The Secretary of Agriculture and Secretary of  
5 the Interior shall develop regional standards, guide-  
6 lines, and procedures for restoration, consistent with  
7 this section, as soon as practicable after the date  
8 of the enactment of this Act, and shall incorporate  
9 these regional standards, guidelines, and procedures,  
10 as well as regional Natural Heritage Restoration  
11 Plans, into land management plans for each unit of  
12 Federal public lands in accordance with existing  
13 land management planning regulations, by no later  
14 than two years after the date of enactment of this  
15 Act.

16 (B) The Secretaries shall report to the Con-  
17 gress on the progress of implementing this section in  
18 the annual report required by section 8(c) of the  
19 Forest and Rangeland Renewable Resources Plan-  
20 ning Act of 1974 (16 U.S.C. 1606(c)) and section  
21 311 of the Federal Land Policy and Management  
22 Act of 1976 (43 U.S.C. 1741).

23 (2) COMMITTEE OF SCIENTISTS.—(A) In car-  
24 rying out the purposes of this subsection, the Sec-  
25 retary of the Interior, in consultation with the Sec-

1       retary of Agriculture, shall appoint a committee of  
2       scientists, for each of the various administrative re-  
3       gions in the United States who are not officers or  
4       employees of the Forest Service, the Bureau of Land  
5       Management, or the timber industry, and who are  
6       not contractors for the timber industry.

7               (B) The committee shall provide scientific and  
8       technical advice and counsel on the proposed stand-  
9       ards, guidelines, and procedures of this subsection to  
10      assure that an effective interdisciplinary approach is  
11      proposed and adopted for the development of Nat-  
12      ural Heritage Restoration Plans in each region.

13              (C) The committee shall terminate upon pro-  
14      mulgation of the standards, guidelines, and proce-  
15      dures, but the Secretary shall appoint similar com-  
16      mittees, at least every 10 years, to consider revisions  
17      of regional standards, guidelines, and procedures  
18      based on new scientific information and the knowl-  
19      edge gained from implementing ecological restora-  
20      tion projects. Standards, guidelines, and procedures  
21      for developing Natural Heritage Restoration Plans  
22      or their revisions for each region shall be completed  
23      no later than one year after the date of the enact-  
24      ment of this Act or the initiation of the revision  
25      process. The views of the committees shall be in-

1       cluded in the public information supplied when the  
2       standards and guidelines are proposed for adoption.

3           (3) CLERICAL AND TECHNICAL ASSISTANCE.—

4       Clerical and technical assistance, as may be nec-  
5       essary to discharge the duties of the committee of  
6       scientists established under paragraph (2), shall be  
7       provided from the personnel of the Department of  
8       Agriculture or the Department of Interior, as appro-  
9       priate.

10          (4) COMPENSATION.—While attending meetings  
11       of the committee, the members shall be entitled to  
12       receive compensation at a rate of \$200 per diem, in-  
13       cluding travel time, and while away from their  
14       homes or regular places of business they may be al-  
15       lowed travel expenses, including per diem in lieu of  
16       subsistence, as authorized by section 5703 of title 5,  
17       United States Code, for persons in the Government  
18       service employed intermittently.

19          (5) REGIONAL BOUNDARIES.—The Secretary of  
20       the Interior, in consultation with the Secretary of  
21       Agriculture, shall determine each region's bound-  
22       aries for which the standards, guidelines, and proce-  
23       dures are to be developed under this subsection.

24          (f) INTERIM NEEDS FOR RESTORATION.—During the  
25       interim period while regional standards, guidelines, and

1 procedures, as well as regional Natural Heritage Restora-  
2 tion Plans, are being developed and incorporated into land  
3 management plans, the Secretary of Agriculture and Sec-  
4 retary of the Interior shall identify interim needs for eco-  
5 logical restoration and shall take prompt action to begin  
6 this restoration work with available personnel. Interim  
7 needs for restoration under this section shall be limited  
8 to the following:

9           (1) Prescribed or managed fire or manual pre-  
10       treatments to reduce severe fire incidence and haz-  
11       ardous fuels pursuant to subsection (j).

12           (2) Stabilization of slopes and soils so as to  
13       prevent or reduce further erosion and land sliding.

14           (3) Decommissioning and obliteration of roads.

15           (4) Removal of nonnative invasive species.

16           (5) Removal of manmade developments that  
17       interfere with natural ecological processes.

18       (g) RESTORATION GOALS AND OBJECTIVES.—Within  
19 two years after the date of the enactment of this Act, the  
20 Secretary of Agriculture and the Secretary of the Interior  
21 shall develop specific restoration goals and objectives for  
22 each unit of Federal public lands, and shall, within the  
23 same time period, develop a specific schedule to accom-  
24 plish those goals and objectives with any funds made avail-



1 able to the Secretaries, including those funds authorized  
2 to be appropriated in section 6.

3 (h) PUBLIC PARTICIPATION.—Any program or  
4 project provided in this section shall be carried out in com-  
5 pliance with the National Environmental Policy Act of  
6 1969 (42 U.S.C. 4321 et seq.) and its implementing regu-  
7 lations, and any other public involvement processes pro-  
8 vided by law, regulation, or agency policy.

9 (i) PROHIBITIONS.—Road construction or re-con-  
10 struction shall be prohibited when conducting projects or  
11 programs provided by this section. This prohibition in-  
12 cludes any projects to reduce the incidence of severe fire  
13 and hazardous fuels pursuant to subsection (j).

14 (j) SPECIAL PROVISIONS FOR REDUCING THE INCI-  
15 DENCE OF SEVERE FIRE AND HAZARDOUS FUELS.—

16 (1) PRESCRIBED OR MANAGED FIRES WITHOUT  
17 MANUAL PRE-TREATMENTS.—The use of prescribed  
18 or managed fires without manual pre-treatments—

19 (A) shall be the primary tool for reducing  
20 severe fire incidence and hazardous fuels;

21 (B) shall only be prescribed in areas that  
22 have been scientifically identified as fire-adapt-  
23 ed ecosystems;

24 (C) shall be carried out in a manner de-  
25 signed to maintain habitat quality for any pro-

posed, threatened, endangered, or sensitive species, or their prey; and

(D) shall be carried out during a time of year and with a frequency that is most ecologically appropriate, while also minimizing adverse effects on air quality.

(2) REQUIREMENTS REGARDING MANUAL PRE-TREATMENTS.—Manual pre-treatments to reduce severe fire incidence and hazardous fuels—

(A) must include use of prescribed or managed fire as the primary treatment of the project in accordance with paragraph (1);

(B) may only be implemented in areas which have a moderate to high risk of severe fire incidence;

(C) shall be prioritized for urban-wildland intermix areas;

(D) shall not reduce the overstory canopy component of the pre-treatment area;

(E) shall maintain habitat quality for any proposed, threatened, endangered, or sensitive species, or their prey;

(F) may remove hazardous fuels to minimize occurrences of prescribed fires reaching the forest canopy; and

1 (G) shall only be prescribed in areas that  
2 have been scientifically identified as fire-adapt-  
3 ed ecosystems.

4 (3) APPLICATION TO OTHER PROJECTS.—Not-  
5 withstanding any other provision of law, any treat-  
6 ments or manual pre-treatments to reduce severe  
7 fire incidence and hazardous fuels as part of any  
8 agency projects or programs to reduce the incidence  
9 of severe fire and hazardous fuels on Federal public  
10 lands shall be performed in a manner consistent  
11 with this subsection, this section, and section 4.

12 (k) USES OF FOREST MATERIALS THAT RESULT  
13 FROM ECOLOGICAL RESTORATION OR PRE-TREATMENTS  
14 TO REDUCE SEVERE FIRE INCIDENCE AND HAZARDOUS  
15 FUELS.—A hierarchy of use of forest materials that result  
16 from manual pre-treatments in fire-adapted ecosystems or  
17 ecological restoration (such as saplings, bushes, fine sur-  
18 face fuels, and materials from plantations that are being  
19 restored back to native forests) is established in the fol-  
20 lowing order:

21 (1) Forest materials shall be left as biomass on  
22 the forest floor, lopped, scattered, and burned, if  
23 prescribed, or shall be left as species habitat in the  
24 form of downed woody debris in the project area.

1           (2) If removal of forest material is necessary  
2           for ecological restoration or because the area is pre-  
3           treated in accordance with subsection (j), that mate-  
4           rial shall be used for recreation or maintenance  
5           projects in the same unit of Federal public land,  
6           such as trails, bridges or facilities, or for restoration  
7           projects such as woody debris in streams, woody de-  
8           bris to provide species habitat, or for biomass to  
9           build soil in other areas of the same unit of Federal  
10          public land.

11          (3) Any excess material not used as described  
12          in paragraph (2) may only be used for public pur-  
13          poses, and not for private or public commercial gain.  
14          This material may be provided for personal non-  
15          commercial uses, such as firewood or other subsist-  
16          ence uses, or for other public noncommercial pur-  
17          poses. Other public purposes may include, but are  
18          not limited to, the processing of these forest mate-  
19          rials for uses such as fuel for low-income households,  
20          or, in limited circumstances, timber for low-income  
21          housing provided by a not for profit venture reg-  
22          istered by the Department of Housing and Urban  
23          Development.

24          (l) RELATION TO OTHER REQUIREMENTS.—Any ac-  
25          tivities undertaken pursuant to subsection (k) or the rest

1 of this section must be undertaken in strict compliance  
2 with section 4.

3 **SEC. 8. WORKER RETRAINING.**

4 (a) ELIGIBLE INDIVIDUAL DEFINED.—For the pur-  
5 poses of this section, the term “eligible individual” means  
6 an individual who—

7 (1) is a dislocated worker, as that term is de-  
8 fined in section 101 of the Workforce Investment  
9 Act of 1998 (Public Law 105–220; 112 Stat. 939;  
10 29 U.S.C. 2801); and

11 (2) has been terminated or laid off, or has re-  
12 ceived a notice of termination or lay off, as a con-  
13 sequence of the enactment of this Act, or as a con-  
14 sequence of management decisions on Federal public  
15 lands prior to the enactment of this Act.

16 (b) DETERMINATIONS OF ELIGIBILITY.—The deter-  
17 mination of whether an individual is an eligible individual  
18 shall be made by the Secretary of Labor, pursuant to cri-  
19 teria established by the Secretary of Labor, in consultation  
20 with the Secretaries of Agriculture and the Interior.

21 (c) GRANTS AUTHORIZED.—The Secretary of Labor  
22 may make grants to States, employers, employer associa-  
23 tions, and representatives of employees—

24 (1) to provide training, adjustment assistance,  
25 and employment services to eligible individuals; and

1           (2) to make needs-related payments to eligible  
2 individuals in accordance with subsection (h).

3           (d) PRIORITY AND APPROVAL.—

4           (1) PRIORITY.—In reviewing applications for  
5 grants under subsection (c), the Secretary of Labor  
6 shall give priority to applications proposing to pro-  
7 vide training, adjustment assistance, and services in  
8 areas which have the greatest number or percentage  
9 of eligible individuals.

10          (2) NEEDS-RELATED PAYMENTS REQUIRED.—

11       The Secretary of Labor shall not approve an appli-  
12 cation for a grant under subsection (c) unless the  
13 application contains assurances that the applicant  
14 will use grant funds to provide needs-related pay-  
15 ments in accordance with subsection (h).

16       (e) USE OF FUNDS.—Subject to the requirements of  
17 subsections (f), (g), and (h), grants under subsection (c)  
18 may be used for any purpose for which funds may be used  
19 under section 134 of the Workforce Investment Act of  
20 1998 (Public Law 105–220; 112 Stat. 990; 29 U.S.C.  
21 2864).

22       (f) JOB SEARCH ALLOWANCE.—

23           (1) ALLOWANCE AUTHORIZED.—Grants under  
24 subsection (c) for adjustment assistance may be  
25 used to provide job search allowances to eligible indi-

viduals. Such allowance, if granted, shall provide reimbursement to the individual of not more than 90 percent of the cost of necessary job search expenses, as prescribed by regulations of the Secretary of Labor, but may not exceed \$1,200 unless the need for a greater amount is justified in the application and approved by the Secretary of Labor.

(2) CRITERIA FOR GRANTING JOB SEARCH ALLOWANCES.—A job search allowance may be granted only—

(A) to assist an eligible individual who has been totally separated in securing a job within the United States; and

(B) where the Secretary of Labor determines that such employee cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

(g) RELOCATION ALLOWANCE.—

(1) ALLOWANCE AUTHORIZED.—Grants under subsection (c) for adjustment assistance may be used to provide relocation allowances to eligible individuals. Such an allowance may only be granted to assist an eligible individual in relocating within the United States and only if the Secretary of Labor determines that such employee;

1 (A) cannot reasonably be expected to se-  
2 cure suitable employment in the commuting  
3 area in which the employee resides;

4 (B) has obtained suitable employment af-  
5 fording a reasonable expectation of long-term  
6 duration in the area in which the employee  
7 wishes to relocate, or has obtained a bona fide  
8 offer of such employment, and

9 (C) is totally separated from employment  
10 at the time relocation commences.

11 (2) AMOUNT OF RELOCATION ALLOWANCE.—

12 The amount of any relocation allowance for any eli-  
13 gible individual may not exceed the amount which is  
14 equal to the sum of—

15 (A) 90 percent of the reasonable and nec-  
16 essary expenses, specified in regulations pre-  
17 scribed by the Secretary, incurred in trans-  
18 porting an individual and the individual's fam-  
19 ily, if any, and household effects; and

20 (B) a lump sum equivalent to 3 times the  
21 employee's average weekly wage, up to a max-  
22 imum payment of \$1,200, unless the need for  
23 a greater amount is justified in the application  
24 and approved by the Secretary of Labor.



1       (h) NEEDS-RELATED PAYMENTS.—The Secretary of  
2 Labor shall prescribe regulations with respect to the use  
3 of funds from grants under subsection (c) for needs-re-  
4 lated payments in order to enable eligible individuals to  
5 complete training or education programs under this sec-  
6 tion. Such regulations shall—

7           (1) require that such payments shall be pro-  
8 vided to an eligible individual only if such  
9 individual—

10               (A) does not qualify or has ceased to qual-  
11 ify for unemployment compensation;

12               (B) has been enrolled in training by the  
13 end of the 13th week of the individual's initial  
14 unemployment compensation benefit period, or,  
15 if later, the end of the 8th week after an indi-  
16 vidual is informed that a short-term layoff will  
17 in fact exceed six months; and

18               (C) is participating in training or edu-  
19 cation programs under this section, except that  
20 such regulations shall protect an individual  
21 from being disqualified pursuant to this clause  
22 for a failure to participate that is not the fault  
23 of the individual;

24           (2) provide that to qualify for such payments  
25 the individual currently receives, or is a member of

1 a family which currently receives, a total family in-  
 2 come (exclusive of unemployment compensation,  
 3 child support payments, and welfare payments)  
 4 which, in relation to family size, is not in excess of  
 5 the lower living standard income level;

6 (3) provide that the levels of such payments  
 7 shall be equal to the higher of—

8 (A) the applicable level of unemployment  
 9 compensation; or

10 (B) the poverty level determined in accord-  
 11 ance with criteria established by the Director of  
 12 the Office of Management and Budget;

13 (4) provide for the adjustment of payments to  
 14 reflect changes in total family income; and

15 (5) provide that the grantee shall obtain infor-  
 16 mation with respect to such income, and changes  
 17 therein, from the eligible individual.

18 (i) REGULATIONS.—The Secretary of Labor shall  
 19 prescribe regulations to carry out this section not later  
 20 than 180 days after the date of enactment of this Act.

21 **SEC. 9. ALLOCATION OF FUNDS.**

22 (a) AVAILABILITY OF CERTAIN ACCOUNTS.—Not-  
 23 withstanding any other provision of law, from the date of  
 24 the enactment of this Act through the duration of the two-  
 25 year phase-out period provided in section 5 plus two years

1 thereafter, all funds in each of the following Forest Service  
2 and Bureau of Land Management accounts, including any  
3 funds deposited into these accounts during the two-year  
4 phase-out period, shall be used only to carry out this Act:

5 (1) Timber salvage funds (including the Salvage  
6 Sale Fund established under section 14(h) of the  
7 National Forest Management Act of 1976 (16  
8 U.S.C. 472a(h))).

9 (2) The fund established under section 3 of the  
10 Act of June 9, 1930 (commonly known as the  
11 Knutson-Vandenberg Act; 16 U.S.C 576b).

12 (3) The fund containing moneys associated with  
13 the Purchaser-Elect Roads Program under section 6  
14 of Public Law 88–657 (commonly known as the For-  
15 est Roads And Trails Act; 16 U.S.C. 537).

16 (b) ALLOCATION OF TIMBER SALES REVENUES DUR-  
17 ING PHASE-OUT PERIOD.—Notwithstanding any other  
18 provision of law, from the date of the enactment of this  
19 Act through the duration of the two-year phase-out period,  
20 all timber sale revenues from Federal public lands shall  
21 be deposited in the fund established under section 3 of  
22 the Act of June 9, 1930 (commonly known as the  
23 Knutson-Vandenberg Act; 16 U.S.C 576b).

24 (c) ABOLISHMENT OF ACCOUNTS.—Notwithstanding  
25 any other provision of law, the funds referred to in sub-

1 section (a) shall be used to carry out this section until  
2 no funds remain in such accounts, after which these ac-  
3 counts shall be abolished.

4 (d) WORKER RETRAINING.—Monies shall be distrib-  
5 uted from the funds referred to in subsection (a) to carry  
6 out section 8. Such distributions shall be made in amounts  
7 up to \$80,000,000 in the first year of the phase-out pe-  
8 riod, and \$80,000,000 and \$120,000,000, respectively, in  
9 the subsequent two years.

10 (e) NATURAL HERITAGE RESTORATION PLAN-  
11 NING.—From the funds referred to in subsection (a), up  
12 to a sum of \$100,000,000 shall be made available to the  
13 Secretary of the Interior and the Secretary of Agriculture  
14 to carry out subsections (d) and (e) of section 7 until such  
15 time as the Natural Heritage Restoration Plans required  
16 by subsection (d) of such section have been incorporated  
17 into the management plans for each unit of Federal public  
18 lands.

19 (f) ALTERNATIVES TO WOOD.—From the funds re-  
20 ferred to in subsection (a), at least \$1,000,000 and up  
21 to \$3,000,000 shall be distributed to the Environmental  
22 Protection Agency to fund an investigation into wood-free  
23 alternative products for paper and construction. Within  
24 one year after the date of the enactment of this Act, the  
25 Administrator of the Environmental Protection Agency

1 shall make recommendations for grants to entities involved  
2 in the development and production of the most environ-  
3 mentally sound nonwood alternatives for paper and con-  
4 struction products, including entities involved in using ag-  
5 ricultural residues to produce paper. Up to \$100,000,000  
6 from the funds referred to in subsection (a) shall be made  
7 available to the Environmental Protection Agency for such  
8 grants, which shall be made within three years after the  
9 date of the enactment of this Act.

10 (g) PUBLIC EDUCATION AND ASSISTANCE TO RE-  
11 DUCE STRUCTURE FLAMABILITY IN URBAN-WILDLAND  
12 INTERMIX AREAS.—From the funds referred to in sub-  
13 section (a), up to \$15,000,000 shall be used annually to  
14 educate owners of structures on non-Federal land adjacent  
15 to Federal public lands about ways in which these struc-  
16 tures can be protected from forest fires by reducing the  
17 flammability of a structure and the area within 40 meters  
18 of a structure. Both technical support and financial assist-  
19 ance, in coordination or collaboration with existing State  
20 and local programs, to the extent possible, shall be pro-  
21 vided where, and to the extent, appropriate.

22 (h) ALLOCATION OF REMAINING FUNDS.—Any funds  
23 remaining in the accounts referred to in subsection (a) in  
24 the fourth year after the date of the enactment of this

1 Act shall be deposited into the general fund of the United  
2 States Treasury.

3 **SEC. 10. CONTINUATION OF PAYMENTS FOR STATES AND**  
4 **COUNTIES CONTAINING FEDERAL PUBLIC**  
5 **LANDS UNDER PUBLIC LAW 106–393.**

6 (a) CONTINUATION OF PAYMENTS AFTER FISCAL  
7 YEAR 2006.—The Secure Rural Schools and Community  
8 Self-Determination Act of 2000 (Public Law 106–393; 16  
9 U.S.C. 500 note) is amended—

10 (1) in section 101(a), by striking “years 2001  
11 through 2006,” both places it appears and inserting  
12 “year 2001 and thereafter,”;

13 (2) in section 102(b)(2), by striking “through  
14 fiscal year 2006”; and

15 (3) in section 103(b)(1), by striking “through  
16 fiscal year 2006”.

17 (b) TERMINATION OF REQUIREMENT TO RESERVE  
18 FUNDS FOR FOREST PROJECTS.—(1) Section 102(d) of  
19 such Act is amended by adding at the end the following  
20 new paragraph:

21 “(4) TERMINATION OF ALLOCATION AND ELEC-  
22 TION REQUIREMENTS.—This subsection shall not  
23 apply in the case of payments made under sub-  
24 section (a) for fiscal year 2007 and thereafter.”.

1       (2) Section 103(c) of such Act is amended by adding  
2 at the end the following new paragraph:

3               “(4) TERMINATION OF ALLOCATION AND ELEC-  
4 TION REQUIREMENTS.—This subsection shall not  
5 apply in the case of payments made under sub-  
6 section (a) for fiscal year 2007 and thereafter. The  
7 entire payment amount shall be expended as re-  
8 quired by the laws referred to in subsection (a)(1).”.

9 **SEC. 11. ENFORCEMENT BY CITIZENS.**

10       (a) PURPOSE AND FINDING.— The purpose of this  
11 section is to foster the widest possible enforcement of this  
12 Act. Congress finds that all people of the United States  
13 are injured by any action that violates the provisions of  
14 this Act on all lands to which this Act applies.

15       (b) CITIZEN SUITS AUTHORIZED.—Any person may  
16 commence a civil action against any person, including the  
17 United States, who is alleged to be in violation of this Act.  
18 The action shall be brought in the district court for the  
19 district in which the alleged violation occurred or the  
20 United States District Court for the District of Columbia.  
21 When the United States is a defendant, venue may also  
22 be in the district court for the district in which the office  
23 of any officer or employee of the United States who is  
24 alleged to be involved in the violation is located. The dis-

1 triet court shall have jurisdiction without regard to the  
2 amount in controversy or the citizenship of the parties.

3 (c) RELIEF.—If the court determines that a violation  
4 of this Act has occurred, the court may issue an injunction  
5 and provide other appropriate equitable relief as the court  
6 considers necessary. If the plaintiff is the prevailing or  
7 substantially prevailing party, the court may award to the  
8 plaintiff reasonable costs of the litigation, including attor-  
9 ney fees, witness fees, and other necessary expenses. When  
10 the United States is a defendant, any award of costs of  
11 litigation against the United States shall be paid by the  
12 United States within 40 days after judgment.

13 (d) STANDARD OF PROOF.—The standard of proof  
14 in all actions brought under this section shall be the pre-  
15 ponderance of the evidence and the trial shall be de novo.

16 (e) WAIVER OF SOVEREIGN IMMUNITY.—The United  
17 States, including its agencies, agents, and employees,  
18 waives its sovereign immunity in all respects in all actions  
19 under this section. No notice is required to enforce this  
20 section.

○